

man and Bockley were burned, but by whom is left in doubt by testimony.

On the morning of the rescue of Branson, Jones was at the village of Franklin, near Lawrence. The rescue was spoken of in the presence of Jones, and more conversation passed between two others, as to whether it was most proper to send for assistance to Col. Boone, in Missouri, or to Gov. Shannon. Jones wrote a dispatch and handed it to a messenger. As soon as he started, he said, "That man is taking my dispatch to Missouri, and by and by will have revenge before I see Missouri." A person present, who was examined as a witness, complained publicly that the dispatch was not sent to the Governor; and within half an hour one sent to the Governor by Jones, through Hargous. Within a few days large numbers of men from the state of Missouri gathered and camped on the Wakarusa. They brought with them all the arms of war; to obtain them a party of men under the direction of Judge T. V. Thompson, broke into the United States Arsenal at Liberty, Missouri, and after a forcible detention of Captain Leonard, (then in charge) they took the cannon, muskets, powder, harness, and indeed all the materials and munitions they desired, some of which have never been returned or accounted for.

The chief hostility of this military foray was against the town of Lawrence, and this was especially the case with the officers of the

Your committee can see in the testimony no reason, excuse or palliation for this feeling. Up to this time no warrant or proclamation of any kind had been in the hands of any officer against any citizen of Lawrence. No arrest had been attempted, and no writ resisted at that town. The rescue of Branson sprang out of a murder committed thirteen miles from Lawrence, in a detached settlement, and neither the town nor its citizens extended any protection to Branson's rescuers. On the contrary, two or three days after the rescue, S. N. Wood, who claimed publicly to be one of the rescuing party, was arrested for the purpose of testing the Territorial laws, and walked up to Sheriff Jones and shook hands with him, and exchanged other courtesies. He could have been arrested without any difficulty, and it was his design, when he went to Mr. Jones, to be arrested, but no attempt was made to do so.

It is obvious that the only cause of this hostility is the known desire of the citizens of Lawrence to make Kansas a free state, and to repugnance to laws imposed upon them by non-residents.

Your Committee do not propose to detail the incidents connected with this foray. Fortunately for the peace of the country, a direct collision between the opposing forces was avoided by an amicable settlement. The losses sustained by the settlers in property taken, time and money expended in their own defence, added much to the trials incident to a new settlement. Many persons were unlawfully taken and detained—in some cases under circumstances of cruelty. This was especially so in the arrest and treatment of G. A. Cutler and G. F. Warren. They were taken without cause or warrant, sixty miles from Lawrence, and when Dr. Cutler was taken, they were compelled to go to the camp, at Lawrence, and were put into the custody of Sheriff Jones, who had no process to arrest them—they were taken into a small room kept as a liquor den, which was open and very cold. That night Jones came in with others, and went to "playing poker at 25 cents ante." The players were obliged to sit up all night, as there was no room to go down where the men were playing. Jones insulted them frequently, and told one of them he must either "tell or swing." The men then objected to this treatment of prisoners, and Jones desisted. G. F. Warren thus describes their subsequent conduct:

"They then carried us down to their camp. Kelly, of the *Squatter*, who lives in Atchison, came round and said he was a doctor, and said he should like to hang us on the first tree. Cutler was very weak, and that excited him so that he became delirious. They sent for three doctors—who came. Dr. Jewell was one of them. They remained there with Cutler until after midnight, and then took him up to the office, as it was very cold in camp."

During the foray, either George W. Clark or Mr. Burns, murdered Thomas Barber, while the latter was on the highway, on his road to Lawrence to his claim. Both fired at him, and it is impossible to give proof to tell whose shot was fatal. The details of this homicide are stated by eye witnesses.

Among the many acts of lawless violence which it has been the duty of your Committee to investigate, this invasion of Lawrence is the most defenceless. A comparison of the facts proven, with the official statements of the officers of the government, will show how groundless were the pretenses which gave rise to it. A community in which no crime had been committed by any of its members, against none of whom had a warrant been issued or a complaint made, was threatened with destruction in the name of "law and order," and that too by men who marched from a neighboring state, with arms obtained by force, and who, in every stage of their progress, violated many laws, and among others the Constitution of the United States.

The chief guilt of it must rest on Samuel J. Jones. His character is illustrated by his language at Leecompton, where peace was made. He said, "Major Clark and Burns both claimed the credit of killing me—I am an abolitionist, and he didn't know which ought to have it. If Shannon hadn't been a d—d old fool, that peace never would have been declared. He would have whipped Lawrence out. He had the means enough to do it."

Shortly after the retreat of the forces from before Lawrence, the election upon the adoption of the State Constitution was held at Leavenworth City, on the 13th December, 1855. While it was proceeding quietly, about noon, Charles Dunn, with a party of others, appeared in the window of the building in which the election was being held, and then jumped into the room where the judges of election were sitting, and drove them off. One of the clerks of election watched up the ballot box and followed the judges, throwing the box behind the counter of an adjoining room through which he passed on his way out. As he got to the street door, Dunn caught him by the throat, and pushed him up against the outside of the building, and demanded the ballot box. Then Dunn and another man struck him in the face and he fell into the mud; the crowd rushed on him and kicked him on the head and in his sides. In this manner the election was broken up, Dunn and his party obtaining the ballot box and carrying it off.

To avoid a similar outrage at the election for State officers, &c., to be held on the 10th of January, 1856, the election for Leavenworth District was appointed to be held at Easton, and the time postponed until the 17th of January, 1856. On the way to the election, persons were stopped by a party of men at a grocery, and their guns taken from them. During the afternoon, parties came up to the place of election and threatened to destroy the ballot box, and were guilty of other insolent and abusive conduct. After the polls were closed, many of the settlers being apprehensive of an attack, were armed in the house where the election had been held, until the next morning. Late that night, Stephen Sparks, with his son and nephew, started for home, his route running by the store of a Mr. Dawson, where a large party of armed men had collected. As he approached, these men demanded that he should surrender, and gathered about him to enforce the demand. Information was carried by a man in the company of Mr. Sparks to the house where the election had been held. R. P. Brown and a company of men immediately went down to relieve Mr. Sparks, and did relieve him when he was in imminent danger. Mr. Sparks then started back with Mr. Brown and his party, and while on their way were fired upon by the other party. They returned the fire, and an irregular fight then ensued, in which a man by the name of Cook, of the Pro-Slavery party, received a mortal wound, and two of the Free State party were slightly wounded.

Mr. Brown, with seven others who had accompanied him from Leavenworth, started on their return home. When they had proceeded a part of the way, they were stopped and taken prisoners by a party of men called the Kickapoo Rangers, under the command of Captain John W. Martin. They were disarmed and taken back to Easton, and put in Dawson's store. Brown was separated from the rest of his party, and taken into the office of E. S. Trotter. By this time several of Martin's party and some of the citizens of the place had become intoxicated and expressed a determination to kill Brown. Capt. Martin was desirous to, and did all in his power to save him. Several hours were spent in discovering what should be done with Brown and his party. In the meantime, without the knowledge of his party, Capt. Martin liberated all of Brown's party but himself, and aided them in their escape. The crowd repeatedly tried to get in the room where Brown was, and at one time succeeded, but were put out by Martin and others. Martin, finding further efforts on his part to save Brown was useless, left and went home. The crowd then got possession of Brown, and finally butchered him in cold blood. The wound of which he died was inflicted with a hatchet by a man of the name of Gibson. After he had been mortally wounded, Brown was sent home with Charles Dunn, and died that night. No attempt was made to arrest or punish the murderers of Brown. Many of them were well known citizens, and some of them were officers of the law. On the next Grand Jury, which sat in Leavenworth County, the Sheriff summoned several of the persons implicated in this murder. One of them was M. P. Rively, at that time Treasurer of the County. He has been examined as a witness before us. The reason he gives why no indictments were found is, "They killed one of the Pro-Slavery men, and the Pro-Slavery men killed one of the others, and I thought it was about mutual." The same Grand Jury, however, found bills of indictments against those who acted as judges of the Free State election. Rively says: "I know our utmost endeavors were made to find out who acted as Judges and Clerks on the 17th of January last, and at all the bogus elections held by the Abolitionists here. We were very anxious to find them out, as we thought them acting illegally."

Your Committee, in their examinations, have found that in no case of crime or homicide, mentioned in the report or in the testimony, has any indictment been found against the guilty party, except in the homicide of Clark by McGree, McGree being a free State man.

Your Committee did not deem it within their power or duty to take testimony as to events which have transpired since the date of their appointment; but as some of the events tended seriously to embarrass, hinder and delay their investigations, they deem it proper here to refer to them. On their arrival in the Territory the people were arrayed in two hostile parties. The hostility of them was continually increased during our stay in the Territory, by the arrival of armed bodies of men, who, from their equipments, came not to follow the peaceful pursuits of life, but armed and organized into companies apparently for war—by the unlawful detention of persons and property while passing through the State of Missouri, and by frequent forcible seizures of persons and property in the Territory without legal warrant. Your Committee regret that they were compelled to witness instances of each of these classes of outrages. While holding their session at Westport, Mo., at the request of the sitting delegate, they saw several bodies of armed men, confessedly citizens of Missouri, march into the Territory on forays against its citizens, but under the pretence of enforcing the enactments before referred to. The wagons of emigrants were stopped in the highways and searched without claim of legal powers, and in some instances all their property taken from them. In Leavenworth City leading citizens were arrested at noonday in our presence, by an armed force, without any claim of authority, except that derived from a self-constituted Committee of Vigilance, many of whom were legislative and executive officers. Some were released on promising to leave the Territory, and others, after being detained for a time, were formally notified to leave, under the severest penalties. The only offence charged against them was their political opinions, and no one was thus arrested for alleged crimes of any grade. There was no resistance to these lawless acts by the settlers, because, in their opinion, the persons engaged in them would be sustained and reinforced by the citizens of the populous border counties of Missouri, from whence they were only separated by the river. In one case witnessed by your Committee, an application for the writ of habeas corpus was prevented by the urgent solicitation of Pro-Slavery men, who insisted that it would endanger the life of the prisoner to be discharged under legal process.

While we remained in the Territory, repeated acts of outrage were committed upon the quiet, unoffending citizens, of which we received authentic intelligence. Men were attacked on the highway, robbed, and subsequently imprisoned. Men were seized and searched, and their weapons of defence taken from them without compensation. Horses were frequently taken and appropriated. Oxen were taken from the yoke while plowing, and butchered in the presence of their owners. One young man was seized in the streets of the town of Atchison, and under circumstances of gross barbarity was tarred and cottoned, and in that condition was sent to his family. All the provisions of the Constitution of the United States securing persons and property, are utterly disregarded. The officers of the law, in-

stead of protecting the people, were in some instances engaged in these outrages, and in no instance did we learn that any man was arrested, indicted or punished for any of these crimes. While such offences were committed with impunity, the laws were used as a means of indicting men for holding elections, preliminary to framing a constitution and applying for admission into the Union as the State of Kansas. Charges of high treason were made against prominent citizens upon grounds which seemed to your Committee absurd and ridiculous, and under these charges they are now held in custody and are refused the privilege of bail. In several cases men were arrested in the State of Missouri, while passing on their lawful business through that State, and detained until indictments could be found in the Territory.

These proceedings were followed by an offence of still greater magnitude. Under color of legal process, a company of about 700 armed men, a great body of whom your committee are satisfied were not citizens of the Territory, marched into the town of Lawrence, under Marshal Donaldson and S. J. Jones, officers claiming to act under the law, and bombarded and then burned to the ground a valuable hotel and one private house; destroyed two printing presses and materials; and then, being released by the officers, whose posse they claimed to be, proceeded to sack, pillage and rob houses, stores, trunks, &c., even to the clothing of women and children. Some of the letters thus unlawfully taken, were private ones, written by the contesting delegate, and they were offered in evidence. Your Committee did not deem that the persons holding them had any right thus to use them, and refused to be made the instruments to report private letters thus obtained.

This force was not resisted, because it was collected and marshaled under the forms of law. But this act of barbarity, unexampled in the history of our government, was followed by its natural consequences. All the restraints which American citizens are accustomed to pay even to the appearance of law were thrown off; one act of violence led to another, homicides became frequent. A party under H. C. Pate, composed chiefly of citizens of Missouri, were taken prisoners by a party of settlers; and while your Committee were at Westport, a company, chiefly Missourians, accompanied by the acting delegate, went to relieve Pate and his party, and a collision was prevented by the United States troops. Civil War has seemed impending in the Territory. Nothing can prevent so great a calamity but the presence of a large force of United States troops, under a commander who will with prudence and discretion quiet the excited passions of both parties, and expel with force the armed hands of lawless men, coming from Missouri and elsewhere, who with criminal pertinacity infest the Territory.

In some cases, and as to one entire election district, the condition of the country prevented the attendance of witnesses, who were either arrested or detained while obeying our process, or deterred from so doing. The sergeant-at-arms who served the process upon them was himself arrested, and detained for a short time by an armed force, claiming to be a part of the posse of the Marshal, but was allowed to proceed upon an examination of his papers, and was furnished with a pass signed by "Warren D. Wilkes, of South Carolina." John Upton, another officer of the committee, was subsequently stopped by a lawless force on the borders of the Territory, and after being detained and treated with great indignity, was released. He, also, was furnished with a pass, signed by two citizens of Missouri, and addressed to "Pro-Slavery men." By reason of these disturbances we were delayed in Westport so that while in session there our time was but partially occupied.

But the obstruction which created the most serious embarrassment to your committee was the attempted arrest of Gov. Reeder, the contesting delegate, upon a writ of attachment issued against him by Judge Leecompton, to compel his attendance as a witness before the Grand Jury of Douglas County. William Fane, recently from the State of Georgia and claiming to be the Deputy Marshal, came into the room of the Committee while Gov. Reeder was examining a witness before us, and producing the writ, required Governor Reeder to attend him. Subsequent events have strengthened the conviction of your Committee that this was a wanton and unlawful interference by the Judge who issued the writ, tending greatly to obstruct a full and fair investigation. Governor Reeder and General Whitfield alone were fully possessed of that local information which would enable us to elicit the whole truth, and it was obvious to every one that any event which would separate either of them from the Committee would necessarily hinder, delay and embarrass it. Governor Reeder claimed that under the circumstances in which he was placed he was privileged from arrest except for treason, felony, or breach of the peace. As this was a question of privilege, proper for the courts, or for the privileged person alone to determine on his peril, we declined to give him any protection or take any action in the matter. He refused to obey the writ, believing it to be a mere pretence to get the custody of his person, and fearing, as he alleged, that he would be assassinated by lawless hands of men when gathering in and near Leecompton. He then left the Territory.

Subsequently, H. Miles Moore, an attorney in Leavenworth City, but for several years a citizen of Weston, Mo., kindly furnished the Committee information as to the residence of persons voting at the elections, and in some cases examined witnesses before us. He was arrested on the streets of that town by an armed band of about thirty men, headed by W. D. Wilkes, without any color of authority, confined with other citizens, under a military guard for twenty-four hours, and then notified to leave the Territory. His testimony was regarded as important, and upon his sworn statement that it would endanger his person to give it openly, the majority of your Committee deemed it proper to examine him *ex parte*, and did so.

By reason of these occurrences, the contestant and the party with and for whom he acted were unrepresented before us during a greater portion of the time, and your Committee were required to ascertain the truth in the best manner they could.

Your Committee report the following facts and conclusions as established by the testimony.

First—That each election in the Territory held under the organic or alleged territorial law, has been carried by organized invasions from the State of Missouri, by which the people of the Territory have been prevented from exercising the rights secured to them by the organic law.

Second—That the alleged Territorial Legislature was an illegally constituted body, and had no power to pass valid laws, and their enactments are, therefore, null and void.

Third—That these alleged laws have not, as a general thing, been used to protect persons and property, to punish wrong, but for unlawful purposes.

Fourth—That the election under which the sitting delegate, John